XIIIA

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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE

OF THE

PUNJAB AND ITS DEPENDENCIES

DURING THE YEAR

1887.

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roceedings of the Hon'ble the Lieutenant-Governor of the Punjab in the Home (Judicial) Department,—
No. 841, dated 15th September 1888.

READ—

The Report on the Administration of Civil Justice in the Punjab for the year 1887.

REMARKS.—The number of suits instituted during the year was 5,854 more than the number instituted in 1886 and 1,130 more than the number for 1885. The Punjab Tenancy Act, 1887, made some alterations in the classes of suits cognizable by Civil Courts and by Revenue Courts respectively, but as the Act did not come into force until the 1st November 1887 its effect on the number of institutions during the year must have been very slight. The proportion of contested suits to the total number, and the proportion of contested suits decided in favour of the plaintiff and defendant respectively, are almost identical with the figures of the previous year. The number of cases in which interest was allowed on the amount decreed fell from 1,120 in 1886 to 537 in 1887.

2. Notwithstanding the larger number of suits instituted, the pending file decreased from 19,135 at the close of 1886 to 17,316 at the end of 1887.

3. The Lieutenant-Governor desires to record his acknowledgments for the work done by the Honorary Civil Judges of the Province. Chaudhri Bhawal Bakhsh of the Siálkot District has disposed of considerably over 1,000 civil cases in each of the past two years. Sodhi Rajindar Singh, Rája Niámat-ulla Khán, Sodhi Indar Singh, and Sardár Diál Singh are also entitled to commendation.

4. The percentage of wholly infructuous decrees remained practically stationary. The causes of this high percentage have been discussed in previous annual reports and are again referred to in the Report under review. As before, the explanations offered are that Judicial Officers pay too little attention to the subject, that the Sheriffs' establishments require a good deal of improvement, that numerous uncertified adjustments are made out of Court, and that many applications are put in merely to prevent the lapse of the decree by limitation. Since submitting the Report the Judges have stated that they have called upon all District Judges in the Province to make separate proposals for the improvement of execution work in their respective districts in the way either of increased or separate establishment, or of re-arranging the execution work amongst the Courts or of such other measures as may seem advisable. The Lieutenant-Governor has nothing to add to the remarks which he recorded on the question last year and will merely say that he hopes the steps now taken by the Chief Court will prove successful.

5. The litigation in Small Cause Courts during the year does not present any unusual features. There was a small decrease in the total number of institutions in District Small Cause Courts from 17,066 in the previous year to 16,571. In Cantonment Courts the institutions increased from 8,573 to 9,651; and there was an increase of 583 cases in both classes of Courts taken together. It is stated in paragraph 31 of the Report that the Judges have lately had under consideration the question of extending the Small Cause Court system for the purpose of disposing of petty suits within the local limits of certain tahsíls by investing selected Judicial Officers with Small Cause Court powers up to a limit of Rs. 50. The opinion is expressed that this would result in great relief to litigants and would prove a means of checking the increase of civil judicial work thrown upon the ordinary tribunals.

6. This is a question which will require very careful consideration in connection with some other proposals which have been recently discussed. It is to be remembered that by Notification No. 615, dated 21st February 1876, the territorial limits of the jurisdiction of the Courts of Small Causes at Lahore, Delhi and Amritsar were restricted to the Municipal limits of these three towns for the reason (amongst others) that it was then considered that the small cause procedure involving the refusal of an appeal was unsuitable in cases where agriculturists are concerned and more particularly in suits between agriculturists and money-lenders. In the consultations which took place last summer on the general question of improving the judicial arrangements of the Province with a view to the reduction of work and expenditure, it was suggested to the Judges that in many parts of the country town and rural benches might be formed with powers to dispose of petty civil work of certain kinds within defined areas. In reporting on this matter the Judges observed that of the total number of suits instituted in the Courts of the Province at least three-fourths are small causes not exceeding Rs. 100, and three-fifths of the whole, small causes not exceeding Rs. 50 in value; and that a very large proportion of these suits are instituted by money-lenders for the recovery of debts from people of the agricultural class. In view of the great mass of petty litigation of this nature which arises, it appeared to the Judges that honorary agency might properly and with great advantage be established throughout the Province for the disposal of petty civil suits, and that the system when fully developed would relieve the ordinary paid tribunals of a great deal of petty litigation that now occupies their time. The Lieutenant-Governor agreeing generally with the Judges held that it would probably be necessary to provide such Civil Benches with a procedure much simpler than that of the Code, and that this might be done by rules framed by the Local Government under powers conferred by the Legislature. He was further disposed to accept the suggestions of the Chief Court that the limit of the jurisdiction of these Courts should be Rs. 50; that they should take up small causes only; that they should not execute their own decrees; and that there should be no appeals from their decisions, but that the District Court should have very full powers of control and revision. But subsequent to the date of the correspondence in which these remarks were recorded, the Lieutenant-Governor, in connection with statements made regarding the indebtedness of the agricultural population, has had under consideration certain proposals for extending to the Punjab provisions similar to those contained in the Deccan Agriculturists Relief Act for the establishment of Courts of Conciliation and other rural courts or benches for the disposal of cases between agriculturists and money-lenders. Thus on the whole question of new Courts to deal with petty litigation it cannot be said that any final conclusion has yet been reached; and the subject is, as is necessary, now being carefully examined in communication with the most competent authorities.

7. The appeals from the orders of Munsiffs in District Courts have been promptly disposed of and in these Courts the burden of appeals is not at present by any means greater than they are able to sustain. The cases for disposal numbered 9,209; the cases disposed of were 8,598; and at the end of the year there were only 611 cases pending, the average duration of appeals being 27 days. Only 10 appeals were pending over three months at the close of the year. In the proposals for legislation which have now been submitted to the Government of India it has been recommended that certain classes of appeals shall be transferred from the Divisional to the District Courts, the proposal being that the District Courts in addition to hearing appeals from the decrees of Munsiffs in small causes, as at present, shall also hear appeals in other suits (not being land suits) when the value does not exceed Rs. 100. It is calculated that this arrangement will relieve the Divisional Courts of about a quarter of their work.

8. It is clear from the details given in paragraph 42 of the Report that such relief is much required. The limits of the Jullundur, Umballa and Delhi Civil Divisions have recently been re-adjusted with the object of

equalizing work; and in the Jhelum and Gujrát Divisions a 14th Divisional Judge has been added. Leaving these Divisions out of consideration, it is still noticeable that the pending files are very heavy in at least four of the remaining Divisions of the Province. In the Hoshiárpur Division there were 791 appeals pending at the close of 1887 as against 804 cases disposed of during the year. Apparently therefore the Hoshiárpur Court had nearly a year's work in hand, but it is explained that the appeals were for the most part against decrees in suits of small value. In Amritsar, Siálkot and Ferozepore the corresponding figures were—

	Disposals.	*Pending.*
Amritsar	1,013	495
Siálkot	724	353
Ferozepore	650	311

Roughly these Courts had at the end of the year something like half a year's work in hand. It will probably be desirable to await the effect of the legislation proposed before considering further what measures are necessary to relieve any over-burdened Divisional Courts. But the question is one which demands constant attention; for the grievance to litigants is the same whether their cases are delayed by Divisional Courts being over-burdened or by the excessive influx of appeals in the Chief Court of the Province.

9. The congested condition of the civil business of the Chief Court is well known, and it is hoped that the remedies which have been proposed to the Legislature will now be applied at an early date. The total number of appeals for disposal from decrees and orders was 3,939. Of these appeals only 1,665, or considerably less than half, were disposed of. There were 2,274 appeals pending at the end of the year, of which 1,911 had been pending for three months and 1,079 more than a year. During the greater part of the year the Court consisted of four Judges. In the middle of November the state of the pending file necessitated the appointment of two additional Judges and (with an interval of a month in the case of one of them) both these appointments have been continued up to the present vacation. Proposals have been made for their further continuance for another year or for any shorter period in which it may be found practicable to dispose of the arrears. The appointment, however, of additional Judges is no more than a temporary palliative of evils which are recognised; and it is hoped that soon civil justice will no longer be subject to deplorable delays from the excessive pressure of work in the Chief Court. To secure this result, it is admitted on all sides that legislation is indispensable. The Lieutenant-Governor after much discussion with the Chief Court has laid his proposals in this matter before the Government of India, and he hopes that a Bill will now be shortly introduced in the Legislative Council for the purpose of amending the provincial system of appeal. In addition to the diversion of the course of appeal from Divisional to District Courts in certain cases already mentioned, the chief features of the measure which the Lieutenant-Governor hopes to see adopted by the Legislature are (1) the maintenance of the Punjab system of further appeal as distinguished from the second appeal of the Civil Procedure Code on points of law only; (2) the investiture of the Judges of the Chief Court sitting alone with power to reverse and vary the orders of lower courts in certain cases as well as merely to confirm them; and (3) the raising of the limit beyond which an appeal shall lie as of right from Rs. 500 to Rs. 1,000. The Lieutenant-Governor is not himself entirely satisfied that the proposals which have actually been submitted go far enough in the direction of debarring unnecessary appeals to the Chief Court. But he has, for the present at all events, deferred to the opinion of the Judges on this point, with so much reservation as is implied in the fact that the Local Government is undoubtedly pledged to devise or support such measures as shall reduce the income of civil business into the Chief Court to dimensions which can be dealt with by a Court consisting of not more than five Judges. Whatever steps are necessary to this end must be taken in the forthcoming legislation.

ORDER.—Ordered that a copy of the above Review be furnished to the Registrar of the Chief Court, Punjab, for the information of the Judges and for circulation with the Report.

Ordered also that the Remarks be published in the *Punjab Government Gazette*.

By order of the Hon'ble the Lieutenant-Governor,

C. L. TUPPER,

Offg. Secretary to Government, Punjab.

Punjab Government Press, Lahore—15-9-88—262.

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No. 4.—Statement showing the general result of the trial of civil cases in the Courts of Original Jurisdiction in the Punjab during the year 1887. (Part II.—Miscellaneous cases).

No. 5.—Statement showing the business of the Civil Appellate Courts in the Punjab, during the year 1887 (Part I.—Appeals from decrees : Part II.—Miscellaneous).

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No. 7.—Proceedings in insolvency under Chapter XX of the Civil Procedure Code in the Punjab during the year 1887. (Part 1.—Showing the number and result of Applications under section 344, and the number of insolvents before the court).

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Appendix.

Extracts from the Annual Civil Reports of Divisional and District Judges.

No. 2270.

FROM

R. L. HARRIS, ESQUIRE,

Registrar, Chief Court, Punjab,

To

C. L. TUPPER, ESQUIRE,

Secretary to Government, Punjab

Dated Lahore, the 25th May 1888.

SIR,

I am directed to submit the report on the administration of Civil Justice in the Punjab for the year 1887.

PART I.- ORIGINAL JURISDICTION.

A.—INSTITUTION, CLASSIFICATION AND VALUE OF ORIGINAL CIVIL SUITS.

Number of suits instituted.

2. The following statement gives the number of suits instituted in the Civil Courts of the Province in each of the last five years :—

GRADE OF COURT.	1883	1884	1885	1886	1887
Chief Court	1	3	4	3	3
Divisional Courts	...	3	5	9	7
District Courts of General Jurisdiction ...	239,814	241,197	225,392	218,427	223,917
District Small Cause Courts	13,537	13,825	13,883	15,680	15,041
Cantonment Small Cause Courts	7,616	7,832	7,763	8,204	9,209
Total ...	260,968	262,860	247,047	242,323	248,177

It will be observed from this statement that the total is higher than in any year since 1884, after which year the classes of suits described in Chapter V of the Punjab Courts Act, 1884, were transferred to the Revenue Courts. Chapter V of the Punjab Courts Act was repealed by the Punjab Tenancy Act of 1887 ; but as the latter Act came into force late in the year, its provisions cannot be said to have affected the number of Civil suits instituted to any great extent. The differences noticeable in number of institutions in Small Cause Courts, will be remarked upon later on in this report. Taking the total number of institutions within District limits, there was an increase in 16 Districts, notably in Rohtak, Sialkot, Lahore, Mooltan and Gujranwala ; the largest decrease being in the Bannu District.

The total against District Courts of general jurisdiction is a little less than in 1885. No special cause for fluctuations in district totals is given except that of good or bad harvests.

3. The following table gives the number of suits under the chief heads of classification for the last 3 years :—

Classification of suits.

	Description of Suits.	1885	1886	1887
I.—Suits for money or moveable property.	On registered bonds	3,441	2,951	2,682
	On unregistered bonds	85,856	83,497	85,692
	Otherwise than on bonds	104,244	101,250	102,580
	For rent other than of land	3,015	2,923	3,275
	For moveable property or value thereof... ...	14,794	14,602	16,454
	For damages	1,501	1,882	2,246
	Other suits	1,427	1,769	1,673
	Total ...	214,278 87,p.c.	208,874 86,p.c.	214,602 86,p.c.
II.—*Rent suits and suits under the Punjab Tenancy Act* ...		41	11	...
III.—Other suits	For immoveable property	23,592	24,336	24,516
	For a declaration of right	2,520	2,432	2,483
	For specific performance	186	271	213
	Relating to betrothals, marriage, divorce and dower ...	5,286	5,446	5,339
	For or relating to partition	257	141	225
	Not included in the above	887	812	799
	Total ...	32,728 13,p.c.	33,438 14,p.c.	33,575 14,p.c.
	Grand Total ...	247,047	242,323	248,177

There has been a steady decrease since 1884 in the number of suits on registered bonds, which seems to correspond with the falling-off of late years in the number of miscellaneous documents registered optionally. The chief increase is in suits on unregistered bonds, though the total under this head for 1887 is lower than the corresponding totals for several years previous to 1886.

There is a large increase in suits for moveable property chiefly in Rawalpindi, Amritsar and Umballa. Under the main head III, there are no large fluctuations to observe.

4. The full details as to the value of the suits instituted will be found in Statement 3 at the end of this report. The following extract gives the total value and the average value of suits under the four heads of classification adopted in that Statement :—

Value of suits instituted.

Class of suits.	Number of suits.	Value.	Average value.		
		Rs.	Rs.	A.	P.
(1). For money or moveable property ...	214,602	1,31,34,579	61	3	3
(2). For land assessed or subject to assessment,	16,946	30,37,915	179	4	4
(3). For other immoveable property ...	8,399	11,18,454	133	2	8
(4). Other suits	4,146	14,99,675	361	11	6

The average value of "other suits" has risen from Rs. 142 in 1886.

The average value of land suits is calculated on the value of suits for the purpose of fixing the institution fee. The Rules under the Suits Valuation Act VII of 1887, which are still under consideration, will, when adopted, show the true value of land suits for purposes of jurisdiction Of the total number of suits instituted, 86 per cent. were for money or moveable property under Rs. 500 in value.

Average cost of suits

5. The average cost of suits during the year was Rs. 7-0-9. In 1884 and 1885, the average cost was Rs. 9-8-6 and Rs. 11-2-3, respectively.

B.—Disposal of Original Civil Suits by Courts Subordinate to the Chief Court.

Original Civil work disposed of and pending

6. Divisional Courts disposed of 5 original civil suits out of 9 for disposal during the year.

The following abstract shows the number of suits for disposal, disposed of, and pending at the close of the year, for the year under report and for the preceding year:—

Year.	Number of original civil suits.		
	For disposal (pending, instituted and re-admitted).	Disposed of	Pending.
1886	269,147	250,012	19,135
1887	278,228	260,912	17,316
Difference	+ 9,081	+ 10,900	− 1,819

The working shows a decided improvement on 1886, for while there was more work to dispose of, the pending file at the close of the year was considerably lighter.

Manner of disposal

7. The abstract given below, shows the manner in which the original civil suits were disposed of during the past three years:—

	Percentage decided.		
	1885.	1886.	1887
Without trial	19·4	19·4	19·4
„ contest	49·7	50·4	50·2
On reference to arbitration	0·9	0·8	0·8
After contest ... for plaintiff	21·6	21·1	21·3
for defendant	8·4	8·3	8·3

The figures are almost identical, and call for no remark. Further details of disposal of suits during the years 1886 and 1887, are given in the annexed table:—

1	2	3	4	5	6	7	8	9	10
Year	Percentage of cases								
	Dismissed on default.	Withdrawn with leave, Section 373, Civil Procedure Code.	Compromised.	Decreed on confession.	Decreed or dismissed ex-parte.	Referred to arbitration.	Contested and decided in favor of plaintiff.	Contested and decided in favor of defendant	Percentage of contested cases decided in favor of plaintiff to the number contested
1886 ...	18	0·5	20	18	12	0·8	21	8	70
1887 ...	18	0·5	19·5	18	13	0·8	21	8	72

The figure in column 10 for 1887, is the same as that for 1885.

Dismissals in default and *ex-parte* decisions.

8. The following statement shows the details of dismissals in default and *ex-parte* decisions for the last two years :—

Year.	Dismissal in default.				Ex-parte decisions.					
	Number of cases dismissed in default under Sections 97 and 98, Civil Procedure Code.	*Number of applications for restoration to the file of cases dismissed under Sections 97 and 98, Civil Procedure Code.*		Number of fresh suits brought on claims dismissed in default under Sections 97 and 98, Civil Procedure Code.	Number of cases in which judgment passed *ex-parte* against a defendant under Section 101, Civil Procedure Code.	*Applications to set aside ex-parte decrees.*		Number of cases in which suit was dismissed under Section 102, Civil Procedure Code.	*Applications under Section 103, Civil Procedure Code.*	
		Admitted.	Refused.			Admitted.	Refused.		Admitted.	Refused.
1887 ...	45,083	6,323	2,622	347	27,226	2,079	1,519	3,294	1,095	393
1886 ...	46,515	6,498	2,577	318	30,526	2,320	1,790	3,484	1,129	390

The figures in the two years show very much the same results, though a somewhat higher percentage of applications were admitted during the year under report.

Contested suits.

9 Out of the 260,912 suits disposed of during the year, 77,177 suits, or 30 per cent. were contested. Of contested suits, 71 per cent. were decided in favor of the plaintiff. These proportions are much the same as those of 1885 and 1886.

References to arbitration and commissions.

10. There were 2,054 suits decided by arbitration during the year, as against 1,978 in 1886. These figures give for the two years about the same percentages to the whole number of suits disposed of during the year, and to the number of contested suits.

The number of commissions issued for local investigation, and for examination of accounts is given in the annexed abstract :—

Year.	*For local investigation.*						*For examination of Accounts.*					
	To a revenue official.	To any other person.	Total.	Average cost.			To a revenue official.	To any other person.	Total.	Average cost.		
				Rs.	A.	P.				Rs.	A.	P.
1886	317	2,095	2,412	4	13	0	53	1,436	1,489	4	11	7
1887	309	2,526	2,835	4	12	10	36	1,487	1,523	4	9	4

The number of commissions issued has increased in much the same ratio as the number of suits disposed of.

11. Property was attached before judgment in 481 cases, as compared with 561 in 1886, 680 in 1885 and 750 in 1884. This decrease seems to show that more care is taken by the Courts before issue of process, the highest district figure being 33 against Mooltan. Compensation under Section 491, Civil Procedure Code, for improper attachments, was awarded in 14 cases.

Attachment before judgment.

12. The following figures give the number of cases in which interest was allowed on the amount decreed, for the last four years :—

Decrees bearing interest.

	Number of cases in which interest was allowed on amount decreed.			
	1884.	1885.	1886.	1887.
By consent	1,636	1,924	952	449
Without consent ...	347	304	168	88
Total ...	1,983	2,228	1,120	537

The decrease in the number of cases without consent is satisfactory. In the latter class of cases, the average rate of interest allowed was Rs. 6-8-0 per cent. per annum ; and in cases by consent Rs. 6 per cent. No district shows particularly high figures under this head.

13. Notwithstanding the larger number of suits disposed of, the pending file decreased from 19,135 at the close of 1886 to 17,316. Out of these 1,139 were pending under Section 99 A., Civil Procedure Code. The number of suits pending was highest in the following districts:—

Pending files.

Sialkot	1,583
Amritsar	1,321
Lahore	1,288
Gurdaspur	1,098

14. The average duration of suits for the whole Province was 34 days for contested, and 22 days for uncontested cases, being the same as in 1886. The districts showing the highest averages are given below—

Average duration.

Contested cases.		Uncontested cases.	
Mooltan	48 days	Simla	34 days
Muzaffargarh	42 „	Mooltan	32 „
Amritsar, Jhang, Montgomery and Bannu ...	41 „	Bannu	30 „

The averages in the various classes of Courts were as follows :—

	Contested.		*Uncontested.*	
	1886.	1887.	1886.	1887.
District Judges' Courts	72	66	52	69
Courts of Subordinate Judges with appellate powers	60	58	40	70
Assistant and Extra Assistant Commissioners' Courts	54	48	35	50
District Small Cause Courts	17	20	15	24
Cantonment Small Cause Courts	12	21	15	16
Munsifs' Courts	31	32	21	31
Tahsildars' Courts	29	30	19	20
Naib-Tahsildars' Courts	22	21	19	15
Honorary Civil Judges' Courts	36	29	22	29

C.—Agency employed in Districts for the disposal of Civil Suits.

Distribution of original Civil Work between the various grades of Courts.

15. The following statement shows the manner in which original suits were distributed between the various grades of Courts :—

Number of officers employed on Civil Work			Grade of Officers.	Original suits decided.						Average number of cases decided by officers of each grade.		
				Number.			Percentage.					
1885	1886	1887		1885	1886	1887	1885	1886	1887	1885	1886	1887
			District Judges and Subordinate Judges with appellate powers . . .	5,928	5,124	6,238	2·2	2·0	2·4			
			Assistant Commissioners ...	3,122	2,920	2,610	1·2	1·2	1·0			
			Extra Assistant Commissioners	21,257	20,546	19,908	8·1	8·2	7·6			
123	118	116	Tahsildars	17,401	14,965	16,190	6·7	6·0	6·2	141	127	139
7	6	9	Naib-Tahsildars	2,066	1,734	1,945	0·8	0·7	0·8	295	289	216
84	§83	§84	Munsifs	177,726	170,299	178,543	68·3	68·1	68·4	2,116	2,052	2,151
52	55	56	Honorary Civil Judges	10,231	10,271	10,679	3·9	4·1	4·1	197	187	191
4	4	4	Judges of District Small Cause Courts	*14,205	†15,047	‡15,446	5·8	6·1	5·9	3,546	3,681	3,654
9	9	9	Judges of Cantonment Small Cause Courts ...	7,913	8,206	9,353	3·0	3·3	3·6	879	912	1,039
			Total ..	259,849	250,012	269,912						

*Includes 22 suits disposed of by other officers exercising Small Cause Court powers.
† „ 1223 ditto ditto ditto.
‡ „ 830 ditto ditto ditto.
§ One Munsif is Registrar of the Lahore Small Cause Court.

District and Subordinate Judges disposed of more work than in 1886, but the difference in no grade of Court is remarkable.

16. The annexed statement gives the names of the Honorary Civil, Judges who disposed of the greatest number of suits, with their powers and the number of suits disposed of by each :—

District.	Name of Judge.	Pecuniary limit of powers.	Cases disposed of.
		Rs.	
Sialkot ...	Bhawal Bakhsh	100	1,211
Ferozepore ...	Sodhi Rajindar Singh	100	822
Kangra ...	Raja Niamatulla Khan	500	713
Ferozepore ...	Sodhi Indar Singh	500	693
Sialkot ..	Sardar Dial Singh	500	685
Kangra ...	Raja Amar Chand	500	397
Kohat ..	Nawab Sir Khwaja Muhammad Khan, K C. S. I	500	288
Kangra ...	Raja Jai Chand	500	286
Hoshiarpur ...	Sardar Rajindar Singh	50	276
Karnal ...	Riaz Husen	50	262
Kohat ...	Khan Bahadur Muhammad Zaffar Khan ...	500	261
Ferozepore ...	Sodhi Man Singh	500	250
Sialkot ...	Sardar Richpal Singh ... ..., ..	100	219
Amritsar ..	Sardar Ajit Singh	500	225
Ludhiana ...	Sardar Uttam Singh	500	222
Delhi ...	Muhammad Ikram-ulla Khan	500	218
Umballa ...	Sardar Jowan Singh (Shahzadpur) ...	500	202
Dera Ghazi Khan ...	Fazal Ali Khan	500	201

The above gentlemen, as well as other Honorary Civil Judges, invested with civil powers, rendered considerable assistance in the disposal of the civil judicial work of the Province.

D.—Miscellaneous Cases.

Miscellaneous cases in District Courts under the Code of Civil Procedure

17. The statement given below shows the number in detail of miscellaneous cases under the Code of Civil Procedure (excluding applications for execution of decrees), instituted in District Courts for the past two years :—

Nature of Case	1886	1887
Plaints or memoranda of appeal rejected or returned without registration	6,126	5,943
Applications for restoration to the file of a suit or appeal dismissed in default, or decreed *ex-parte* (Sections 99, 103, &c)	13,469	14,058
Objections with regard to attached property (Sections 278 and 487)	12,388	12,610
Applications for permission to sue as a pauper (Section 401)	1,082	1,205
Applications for review of judgment (Section 623) ...	1,680	1,749
Other cases	1,065	1,057
Total ...	35,810	36,622

These figures do not show any marked variations.

Other Miscellaneous cases in District Courts.

18. The institutions of Miscellaneous cases not connected with the Code of Civil Procedure amounted to 3,113 as compared with 2,820 in 1886; of this number, cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806, were :—

In 1886	...	...	...	1,588
,, 1887	...	...	...	1,643

Applications under the Regulations were most numerous in the Districts of—

Rohtak	240
Gujranwala	230
Hissar	209
Umballa	175

Other cases were mainly :—

	1886	1887
Applications under Act XL of 1858 and IX of 1861 (Guardianship and administration of the property of minors)	453	568
Applications under Act XXVII of 1860 for certificates to collect debts, &c	572	581

Miscellaneous cases in Divisional Courts

19. The following statement shows the number of Miscellaneous cases disposed of in Divisional Courts during the past two years :—

Nature of Case.	1886.	1887.
Memoranda of appeal rejected or returned ...	581	419
Applications under Sections 558 and 560 for the restoration to the file of an appeal dismissed in default or decided *ex-parte*	98	120
Applications for permission to appeal as a pauper ...	67	86
Applications for review of judgment	199	108
Applications for certificates to appeal under Section 40 (*c*), Punjab Courts Act...	1,162	1,273
Cases under the Land Acquisition Act, 1870 ...	32	25
Total ...	2,139	2,031

The decrease under the first head, and under applications for review of judgment, seem to show an improvement in working.

E.—Execution of Decrees.

Result of execution proceedings.

20. The following statement gives the details of execution of decree work in District Courts during the past two years :—

Year	Total number of applications for execution before the Courts	Transferred	Completely executed	Partially executed.	Wholly infructuous.	Total number disposed of.	Percentage of cases completely executed to the number disposed of.	Average duration.	Value of money decrees in execution.	Amount realised. Voluntarily.	Amount realised. After issue but without execution of process.	Amount realised. After execution of coercive process.	Percentage realized.
									Rs	Rs.	Rs	Rs.	
1886	200,826	1,304	51,281	41,102	83,514	177,291	29	30	1,33,50,855	4,47,918	7,17,226	26,40,117	28
1887	207,488	1,759	53,096	42,940	87,368	185,163	29	37	1,26,00,387	4,37,969	7,74,983	26,82,200	31

The increase in the number of applications for disposal corresponds to the increase in the number of suits for disposal. The percentage shown in the last column is higher than for several years past.

Percentages of decrees completely and partially executed, and wholly infructuous

21. The following abstract shows the results of execution proceedings in percentages of decrees disposed of: —

	Percentage of decrees. 1885.	1886.	1887.
Completely executed ...	30·0	28 9	28·7
Partially executed	24 0	23·2	23 2
Wholly infructuous	45·4	47 1	47·2
Transferred	0 6	0 8	0·9

The steady increase which is to be observed from the figures of late years in the percentage of wholly infructuous decrees, was made a special subject for remark in the report for 1886, and in the Review of that report. The percentage of 1887 shows a further increase though slight. It was shown in the

report for 1886, that the number of applications on which processes were issued but not executed, had increased year by year, and in the year under report, the increase under this head was unprecedented, being from 49,130 in 1886 to 58, 849. The number of proceedings in which payments were certified out of Court under Section 258, Civil Procedure Code, was 2,137 in 1886, and 2,148 in 1887; showing little or no difference in the practice of the parties to a decree.

The special attention of Judicial Officers was called to this subject of infructuous decrees during the year, and there is no doubt that the importance of the successful execution of decrees has been impressed by all officers exercising powers of control in the Courts immediately subordinate to them. That, notwithstanding this increased attention to the subject, the percentage has not been lowered, seems to show that the fault does not altogether lie with the Courts executing the decrees. The inefficiency of the Sheriff's establishment has been made a special subject for enquiry, and the question of improvements in this direction is now before the Judges. There is a general consensus of opinion amongst the Judicial Officers of the Province that the appointment of special Bailiffs or Deputy Sheriffs should be sanctioned, though it is not to be expected that this alone will perfect the system. On this subject of infructuous proceedings, some remarks will be found in the extracts at the end of this report. It is hard to find any reason for the increase noted beyond those pointed out in last year's report, *viz*: adjustments out of Court uncertified, and the fact that a number of applications are merely made on account of limitation. These reasons, added to the incompetency of the Sheriff's establishment, explain, in the opinion of the majority of the Judicial Officers of the Province, the unsatisfactory results commented on.

Modes of coercion employed.

22. The following statement shows the processes resorted to for the execution of decrees in each of the last two years :—

	Number of applications.	
	1886.	1887.
On which process was issued but not executed	49,130	58,849
On which moveable property was attached, but subsequently released	41,610	40,327
On which moveable property was sold	9,659	9,243
On which immoveable property was attached, but subsequently released	5,070	6,349
On which hereditary or joint acquired property in land was sold	40	80
On which immoveable property was sold	1,858	2,056
On which action was taken under Section 305 or Section 306, Civil Procedure Code	445	678
On which possession was given of moveable property	241	558
Ditto ditto ditto immoveable property ...	6,088	7,191
On which specific performance was enforced	246	320
On which partition was effected	45	71
On which execution was effected otherwise than as above ...	55	36
On which judgment-debtors were arrested but released without imprisonment	9,120	7,958
On which judgment-debtors were imprisoned	1,063	1,092

The increase under the first head has already been remarked upon.

Realizations of money decrees.

23. The value of money decrees in execution fell from Rs. 1,33,50,855 in 1886 to Rs. 1,26,00,287 in 1887, while the percentage of realization rose from 28 to 31. Modes of realization were as follows :—

		Amount realized.		*Percentage.*	
		1886.	1887.	1886.	1887.
		Rs.	Rs.		
Paid in voluntarily		4,47,918	4,37,969	12	11
Realized.	After issue, but without execution of process	7,17,226	7,74,983	19	20
	By attachment only	17,54,470	18,34,580	46	47
	By sale	5,82,331	5,02,559	15	13
	By arrest only	2,61,401	2,78,813	7	7
	After imprisonment	41,915	66,248	1	2

Arrest and imprisonment

24. The annexed statement gives details of the number of judgment-debtors arrested and imprisoned, and of the terms of imprisonment:—

Year	*Number of judgment-debtors arrested.*		*Number of persons detained.*			Average duration of detention.
	Released without imprisonment	Imprisoned.	Up to one month.	Between one and three months	Between three and six months.	
1886	9,120	1,063	611	301	151	39
1887	7,958	1,092	647	316	204	41

Distribution of work amongst the various grades of Courts

25. The following statement shows the distribution of execution work amongst the various grades of Courts, and the results obtained in each:—

Class of Court.	Number of applications disposed of.		Percentage in which satisfaction was obtained in whole or in part.		Value of money decrees in execution.		Percentage realized.		Average duration.	
	1886.	1887.	1886	1887.	1886	1887	1886	1887	1886	1887
					Rs.	Rs				
Sadar Courts	24,781	25,270	50	55	55,96,577	50,20,737	26	28	49	51
Small Cause Courts	15,846	16,321	62	60	6,09,924	6,53,836	37	37	15	25
Tahsil Courts	11,584	10,252	63	61	4,25,181	4,05,774	37	33	34	34
Munsifs' Courts	120 333	128,589	50	49	64,67,305	62,94,016	30	32	34	38
Honorary Courts	4,747	4,731	61	60	2,51,865	2,26,024	31	32	40	38

Less execution work was done by the Tahsil Courts. The Sadar and Munsifs' Courts have improved in percentage of realization while more applications were disposed of by them. 51 per cent. of applications disposed of by Munsifs were wholly infructuous.

Insolvency proceedings under the Civil Procedure Code

26. The annexed statement gives the number o applications for declaration of insolvency under the Civil Procedure Code filed, disposed of, and pending at the close of the year, and for 1886:—

Year.	Filed.				Disposed of.	Pending
	By judgment-debtors		By decree-holders.	Total.		
	Under arrest or imprisonment	Against whose property an order of attachment had been made.				
1886 ...	101	396	2	499	473	128
1887	59	234	*1	294	504	118

*Received by transfer

Of the total number of applications filed in 1887, 230 were filed in Small Cause Courts specially empowered, and 392 in District Courts.

The results of the applications disposed of in each of the last two years are given below :—

		1886.	1887.
Transferred	..	1 ...	1
Withdrawn or otherwise not prosecuted ..	...	191 ...	196
Granted. A receiver not being appointed ...	...	64 ...	49
Granted. Ditto being appointed ..	...	94 ...	81
Rejected. Penal proceedings not being taken	..	122 .	176
Rejected. Ditto being taken ...	.	...	1

The above figures show an increase in the number of applications, and in the percentage rejected, the percentage of successful applications being only 21.

There were 134 estates in the hands of receivers during the year as against 156 in the preceding year. In 44 cases the administration of the property was completed and proceedings finally closed, and 90 estates were still under management at the end of the year.

The scheduled debts aggregated Rs. 9,93,260, and of this sum 26 per cent. was satisfied and disallowed during the year. Including the balance of the previous year, there was Rs. 1,41,452 in the hands of receivers, of which Rs. 85,139 or 60 per cent. was disbursed, leaving Rs. 56,313 in hand at the end of the year.

Attendance of witnesses

27. The annexed statement gives particulars as to witnesses who attended the Courts in original Civil suits during the past two years :—

	Number.		Difference	*Percentage*	
	1886.	1887.		1886.	1887
Witnesses who appeared voluntarily ..	1,31,367	1,40,483	+9 116	35	35
Witnesses for whose appearance a summons was issued	2,46,452	2,58,797	+ 12,345	65	65
Total	3,77,819	3,99,280	+ 21,461		

The increased number of witnesses who attended the Courts is explained generally by the increase in the number of suits disposed of during the year. Percentages remain the same.

Expenses paid to witnesses.

28. Out of 258,797 witnesses who attended the Courts, 203,958 or 79 per cent. received allowances for expenses as compared with 77 per cent in 1886.

On an average, each witness received 10 annas and 3 pies as compared with 9 annas and 11 pies for each of the two preceding years.

The highest district average was Rs. 1-5-1 in Montgomery ; the lowest being 7 annas and 7 pies in Sialkot.

Average cost of process for attendance of witnesses.

29. The average cost of each process for the attendance of witnesses was 4 annas and 5 pies, being little different to the averages of 1885 and 1886.

PART II.—SMALL CAUSE COURTS.

Original Civil business of District and Cantonment Small Cause Courts.

30. The following statement shows the original Civil work for disposal by the District and Cantonment Small Cause Courts, and the manner of disposal, for the last two years :—

1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Number of Civil Suits on the file.												*Average duration.*	
Court		Pending from last year.	Instituted.	Re-admitted under Sections 99 and 103, Act XIV of 1882, or Section 21, Act XI of 1865	Received by transfer.	Total.	Disposed of without trial.	Without contest.	With contest.	Total disposed of.	Pending at the end of the year.	Pending for more than three months at the close of the year.	Percentage of contested cases.	Contested.	Uncontested.
District Small Cause Courts.	1886	969	15,080	417	.	17,066	2,258	8,835	4,854	15,947	1,119	124	30	17	15
	1887	1,119	15,041	411		16,571	2,211	8,494	4,741	15,446	1,125	147	31	20	24
Cantonment Small Cause Courts.	1886 ...	239	8,204	130		8,573	1,222	4,990	1,994	8,206	367	9	24	17	15
	1887	367	9,209	75	...	9,651	1,308	5,492	2,553	9,353	298	26	27	21	16

This shows a decrease in the total number of institutions in District Small Cause Courts, and an increase in the work of Cantonment Courts. There was an increase of 583 cases before both classes of Courts taken together. The new Provincial Small Cause Court Act (IX of 1887), was in force during half the year. This probably accounts for some of the differences to be observed in the above figures.

District Small Cause Courts.

31. The number of suits for disposal rose in the Lahore Small Cause Court from 5,770 in 1886, to 6,051 in 1887, and in Delhi from 3,380 to 3,577 ; and fell in the Amritsar Court from 5,075 to 4,605, and in Simla from 1,581 to 1,449. The Assistant Commissioner of Kulu had 164 suits before him for disposal, and Sodhi Man Singh 708 suits in the Ferozepore District. The average durations are higher than those of 1886, while the pending file is practically the same. The Judges have lately had under consideration the question of advising the extension of this useful system of disposing of petty suits within the local limits of certain Tahsils in the Province by the investiture of selected Judicial Officers with powers of a Small Cause Court up to a limit of Rs. 50, as it is believed that this would be found a great relief to litigants, and a means of checking the increase in amount of civil judicial work thrown upon the ordinary tribunals.

Cantonment Small Cause Courts.

32 There has been a large increase in the number of institutions in Cantonment Small Cause Courts. The number of suits for disposal at Rawalpindi fell from 1,841 in 1886, to 1,693 in 1887. The number at Ferozepore remained about the same. In all the other Cantonments, there has been a considerable increase, attributable in some cases to the location of additional troops. The average duration is higher than in 1886, while the pending file is lower, notwithstanding the increase in number of cases for disposal.

Execution of decrees and details as to witnesses.

33. The details as to the execution of decrees in Small Cause Courts, and to attendance of witnesses are included in the statements given under those heads in Part I of this report.

PART III.—APPELLATE COURTS SUBORDINATE TO THE CHIEF COURT.

Institutions of appeals from decrees in District and Divisional Courts.

34. The following statement shows the number of appeals against decrees instituted in District and Divisional Courts during each of the last four years:—

1	2	3	4	5	6	7
Year.	*Number of appeals instituted.*			Total number of contested cases decided.	Total number of first appeals.	Percentage of first appeals to appealable orders.
	In District Courts.	In Divisional Courts.	Total.			
1884	13,675	7,861	21,536	81,135	19,892	25
1885	8,486	9,386	17,872	71,928	17,872	25
1886	8,162	9,015	17,177	66,797	17,177	26
1887	8,413	9,365	17,778	70,065	17,778	25

The increase in the number of first appeals is nearly commensurate with the increase in civil litigation. The differences between the figures of 1884 and 1885, have already been explained in the reports of previous years. The figures of 1887, correspond very closely to those of 1885, except as to number of contested cases decided.

A.—Appellate work of District Courts.

Agency for disposal of District appellate work.

35. Out of the whole number of appeals before District Courts during the year, there were only 31 before officers in charge of Sub-divisions, who were empowered to hear appeals. The balance was disposed of by District and Subordinate Judges.

Work disposed of and pending. Average duration.

36. The figures given below show the number of appeals for disposal, disposed of, and pending at the close of the year, with the average duration in days.

Year.	*Number of appeals.*			Average duration of appeals
	For disposal.	Disposed of.	Pending.	
1885	9,231	8,602	629	30
1886	9,026	8,392	634	30
1887	9,209	8,598	611	27

Notwithstanding that the work for disposal and disposed of exceeded that for 1886, an improvement is shown in average duration.

The Districts of Gurdaspur and Ferozepore show the largest increase in number of appeals for disposal. The number of appeals for disposal was largest in the Districts of Hoshiarpur and Jullundur. Only 10 appeals were pending over 3 months at the close of the year.

37. The following table gives the manner in which the appeals in District Courts were disposed of in percentages for the past two years :—

Manner of disposal of appeals.

	Percentage.	
	1886.	1887.
Transferred	0·4	0·3
Summarily rejected under Section 551, Civil Procedure Code	21·2	20·8
Struck off for default or under Section 557, Civil Procedure Code, or otherwise not prosecuted ...	4·6	4·1
Order of Lower Court confirmed *ex-parte* ...	1·6	1·3
„ „ „ after contest ...	33·3	35·1
„ „ modified	10·2	11·3
„ „ reversed	18·2	16·9
Remanded under Section 562, Civil Procedure Code...	10·5	10·2

There is nothing calling for remark in this table.

38. The annexed statement gives details as to value and cost of appeals in District Courts, with percentages of cost to value :—

Value and cost of appeals in District Courts.

Scale of Valuation.	Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.						Average cost of appeals.						Percentage of cost to value	
	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.			In other suits.			In suits for money or moveable property.			In other suits.			In suits for money or moveable property.	In other suits.
			Rs.	Rs.	Rs.	Rs.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.		
Not exceeding Rs. 10	1,374	20	10,557	135	2,860	62	8	4	7	5	3	1	2	3	11	2	6	1	27	46
„ „ 50	3,471	37	1,09,312	901	16,146	165	28	3	9	23	4	4	4	2	9	4	7	4	14	19
„ „ 100	1,657	9	1,17,715	762	15,087	111	77	11	10	84	10	8	9	1	8	12	5	4	12	14
„ „ 500	1,474	13	2,79,889	2,525	30,987	313	180	14	1	210	6	7	21	0	0	26	0	1	11	12
Appeals of which the value cannot be fixed	..	36	...	...	...	191	...	..	..	...	.	.	.	.	...	5	4	10	...	.
Total (1887	8,276	120	5,15,473	4,289	65,080	842	62	4	7	50	15	9	7	13	10	7	12	0	12	15
Total (1886	6,224	187	5,28,051	5,931	65,472	1,207	64	3	5	54	14	7	7	15	5	7	9	0	12	13

39. In addition to appeals from decrees, there were 640 Miscellaneous appeals that came for disposal before District Courts during the year. The details for the last 2 years are—

Miscellaneous appeals.

	1886.	1887.
Appeals form orders under Section 588, Civil Procedure Code ...	491	495
Other Miscellaneous appeals	154	145
Total ...	645	640

Of the total number for disposal, 598 were disposed of, and 42 remained pending (1 for more than three months). Average duration was 25 days ; the details of the manner of disposal in each year are here given—

	Percentage. 1886.	1887.
Transferred	...	1·0
Summarily rejected	20·0	14·9
Struck off for default or otherwise not prosecuted	6·4	6·9
Order of Lower Court confirmed	30·3	30·6
,, modified	0·8	2·3
,, reversed	19·8	20·6
Cases remanded under Section 562, Civil Procedure Code	22·7	23·7

B.—Appellate work of Divisional Courts.

Appeals from decrees instituted in Divisional Courts.

40. The number of appeals from decrees instituted in Divisional Courts during the last three years was—

1885	9,386
1886	9,015
1887	9,365

As in the number of suits instituted, the figures of 1887 approximate here to those of 1885, and so bear out the correctness of the anticipation expressed in the last report, that in future, variations under this head may be expected to occur within the limits of the figures for 1885 and 1886.

Agency for disposal of the work of Divisional Courts.

41. During the greater part of the year there were thirteen Civil Divisions in the Province, but eventually the congested state of the work in the Jhelum Division led to the appointment at Gujrat of a fourteenth Divisional Judge. As this appointment was made as late in the year as the middle of November, the effect of the addition was hardly apparent at the close of the year.

Disposal of appellate work—Aappeals from decrees—in Divisional Courts.

42. The abstract given below shows for 1886 and 1887, the number of appeals from decrees pending from the previous year, the number instituted and disposed of during the year, and the number pending at the close of the year :—

Year.	Pending from previous year.	Instituted, re-admitted, &c., &c., during the year.	Total for disposal.	Disposed of.	Pending at the close of the year.
1886 ...	6,800	9,373	16,173	12,782	3,391
1887 ...	3,391	9,808	13,199	8,884	4,315

It must be noted that in 1886 there were for 4½ months, 19 Divisional Judges at work, 6 temporary Divisional Judges having been appointed to clear off the arrears accumulated by the Bench system abandoned at the end of 1885. The above abstract shows that 13 Divisional Judges could not keep pace with the number of institutions.

The following statement gives details of the number of appeals instituted, decided and pending for each Civil Division :—

Division.	Pending from 1886.	Instituted, re admitted and received by transfer during 1887.	Disposed of in 1887.	Pending at the close of 1887.
Delhi	378	487	667	198
Umballa	229	592	751	70
Jullundur	346	1,110	848	608
Hoshiarpur	404	1,191	804	791
Amritsar	478	1,030	1,013	495
Sialkot	178	879	724	333
Lahore	99	433	476	56
Ferozepore	73	888	650	311
Mooltan	40	457	389	108
Jhelum	695	656	670	681
Gujrat (from 14th November 1887)	65	387	49	403
Rawalpindi	163	634	724	73
Derajat	154	571	565	160
Peshawar	89	493	554	28
Total ...	3,391	9,808	8,884	4,315

The figures for the Kulu Sub-division, of which the District Judge of Kangra is Divisional Judge, have not been shown in this statement separately. The 25 Kulu appeals instituted during the year have been included in the figures for the Hoshiarpur Division. As was remarked in the report for 1886, the unequal results apparent from this statement are to be explained to a certain extent by the fact that the Sessions work thrown upon Divisional Judges is very much heavier in some Divisions than in others. The figures given in the report on Criminal Administration for 1887, show that the Sessions work has been, in certain Divisions heavier than usual. The unequal state of the Civil appellate work, and the large pending file in the Jullundur Division, have led lately to a re-adjustment of the Divisional limits of the Jullundur, Umballa and Delhi Divisions, which, it is expected, will do much to equalize the work. With regard to the pending file in the Jhelum Division, where Ssessions work is also heavy, the appointment of a fourteenth Divisional Judge has already been mentioned. It is to be remarked that the pending file in the Hoshiarpur Division is very large, but the appeals are for most part against decrees in suits of small value.

Average duration.

43. The average duration of appeals in Divisional Courts has fallen from 173 days in 1886 to 161 days in 1887 for the whole Province, the Divisional figures varying from 31 in the Peshawar Division to 434 in the new Gujrat Division, the latter figure being explainable by the remarks in the preceding paragraph.

Manner of disposal of appeals.

44. The details of the methods of disposal of the appeals decided by the Divisional Courts are as follow in percentages: —

	Percentage. 1886.	1887.
Transferred, struck off for default, or otherwise not prosecuted	6	5
Order of the Lower Court upheld	56	59
Modified ...	5	5
Reversed ...	23	23
Cases remanded under Section 562, Civil Procedure Code	10	8

These figures call for no special remark.

Value and cost of appeals.

45. The following statement gives the value and cost of appeals disposed of by Divisional Courts, with percentages of cost to value :—

Scale of Valuation.		Number of appeals.		Aggregate value of appeals.		Aggregate cost of appeals.		Average value of appeals.						Average cost of appeals.						Percentage of cost to value.	
		In suits for money or moveable property.	In other suits.	In suit for money or moveable property.	In other suits.	In suits for money or moveable property.	In other suits.	In suits for money or moveable property.			In other suits.			In suits for money or moveable property.			In other suits.			In suits for money or moveable property.	In other suits.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	A	P	Rs.	A	P	Rs.	A	P	Rs.	A	P	Rs.	Rs.
Not exceeding to	Rs. 10	46	1,107	107	7,227	130	6,232	2	5	2	6	0	6	2	13	4	5	3	1	121	96
,,	,, 50	114	2,403	3,093	74,010	617	19,486	35	0	5	30	12	10	7	2	8	8	1	10	20	26
,,	,, 100	135	1,138	11,408	87,867	1,609	17,014	84	8	0	77	3	5	11	14	8	14	15	3	13	19
,,	,, 500	323	1,070	91,507	2,58,095	10,276	37,520	283	9	4	241	3	5	31	13	0	35	1	2	11	10
,,	,, 1,000	182	128	1,25,991	87,845	14,085	11,513	692	1	3	686	4	6	71	14	3	80	15	1	11	13
,,	,, 5,000	118	64	2,12,451	1,08,148	25,052	13,804	1,800	1	6	1,689	13	0	221	11	1	216	10	0	11	13
Appeals of which the value cannot be fixed.			1,750	...	...		35,386	...			...			...			20	3	0	..	..
Total	1887	913	7,757	4,45,547	6,29,198	51,969	1,41,024	488	0	0	103	14	6	56	2	0	17	9	10	12	17
	1886	1,591	10,789	6,64,527	8,88,707	75,178	1,70,116	417	8	8	109	4	7	47	4	3	15	12	0	11	14

Miscellaneous appeals.

46. There were 717 miscellaneous appeals for disposal by Divisional Courts during the year, of which 661 were appeals from orders under Section 588, Civil Procedure Code, the figures for 1886 being 737 and 692, respectively. Of the total number for disposal, 528 were disposed of, and 189 were left pending at the close of the year, of which 73 had been pending for more than 3 months. The average duration was 83 days as against 76 in 1886. It must be remembered that the agency for disposal of these miscellaneous appeals was not the same as in 1886, and that these figures represent consequently a considerable addition to the work of the Divisional Judges.

PART IV.—CIVIL BUSINESS OF THE CHIEF COURT.

Institutions of civil cases in the Chief Court.

48. The following figures give the institutions of civil business of all kinds in the Chief Court for each of the last four years:—

Year	Original Civil Suits.	Appeals from decrees	Appeals from orders.	Applications for revision.	Miscellaneous cases.
1884	3	2,612	230	792	650
1885	4	906	137	1,139	495
1886	3	2,671	303	1,391	586
1887	5	1,858	277	1,087	618
Difference in last two years	+2	−813	−26	−304	+32

Appeals from decrees.

49. The disparity to be observed in the figures of 1885 and 1886, was explained in the report of 1886, as due to the adoption and subsequent abandonment of the Bench system in Divisional Courts, making the temporary addition of six Divisional Judges necessary. The number of disposals in Divisional Courts was thus greatly increased, and in consequence there was a large increase in institutions in the Chief Court. in 1886. The number of institutions shown against 1887 is probably below the annual number to be anticipated for the year 1888, on a comparison of the figures for the first quarter of 1887, with those for the corresponding quarter of 1886. Of the 1858 appeals from decrees instituted during the year, the following are the details, compared with details of 1886 :—

	1886.		1887.
First appeals (where value of suit exceeds Rs. 5,000)...	128	...	96
Further appeals as of right	2,424	...	1,711
On certificate	119	...	51

This fall in the number of institutions of further appeals and of appeals on certificate corresponds to the fall in the number of cases disposed of in Divisional Courts referred to in Part III of this report. The percentage of further appeals to the number of appeals decided by Divisional Courts was 19 per cent. or the same as that for 1886, The number of certificates granted under Section 40 (*d*) of Act XVIII of 1884, has fallen considerably. This seems to show that Divisional Judges now exercise more care before allowing a further appeal under that clause.

General statement of Civil Appellate work.

50. The following is a general statement of Civil Appellate work in the Chief Court, showing the institutions and disposals, with manner of disposal, of appeals from decrees and orders :—

1				2	3	4	5	6	7	8	9	10	11	12	13
Description of Appeal.				Year.	Number of appeals instituted.	Number of appeals for disposal.	Number disposed of.	Percentage of Apps. Transferred.	Dismissed for default.	Rejected	Confirmed.	Modified.	Reversed.	Remanded.	Average days
First and further appeals.	From Decrees	...	...	1886	2,671	3,316	1,656	...	1	75	13	2	5	4	134
	„ Orders	...	...		303	366	229	...	4	58	13	3	10	12	120
		Total	...	1886	2 974	3,682	1,885	...	2	73	13	3	5	4	134
	From Decrees	...	...	1887	1,858	3,518	1,354	1	2	61	16	5	10	5	431
	„ Orders	...	...		277	414	304	1	4	42	14	1	15	23	162
		Total	...	1887	2,135	3,932	1,658	1	2	58	16	5	10	8	234
Second appeals.	From Decrees	...	...	1886	...	171	164	...	5	...	42	1	14	38	559
	„ Orders	...	...		...	3	3	...	33	...	33	...	34	...	670
		Total	...	1886	...	174	167	...	5	...	42	1	15	37	561
	From Decrees	..	...	1887	...	7	7	...	14	...	29	43	14	...	966
	„ Orders		...		...	...	...	...	...	...	...	...	..	..	...
		Total	...	1887	...	7	7	...	14	...	29	43	14	...	966
	Grand Total		...	1886	2,974	3,856	2,052	..	2	67	15	3	6	7	168
				1887	2,135	3,939	1,665	1	2	57	16	5	11	8	224

Details of disposal of civil appeals.

51. The Court during the greater part of the year consisted of four Judges. In the middle of November the state of the pending file necessitated the appointment of two additional Judges, as a temporary measure, to work off the arrears which had accumulated That four Judges were unable to cope with the amount of work thrown upon the Court is apparent from the figures of the statement in the preceding paragraph The details of disposal of Civil appeals for the last three years are given in the following abstract :—

Year.	Number of Appeals.			
	Rejected by a single Judge in Chambers.	Decided in Court. By a single Judge.	Decided in Court. By a Bench.	Total.
1885	519	...	1,422	1,941
1886	1,375	...	677	2,052
1887	965	109	591	1,665

In 1885 there were five Judges at work throughout the year. The decrease in the number of appeals rejected in Chambers corresponds to the decrease in the number of appeals instituted. The remarks under para. 51 of last year's report as to Chamber work being kept up to date, while Bench work fell into arrears are equally true with regard to the year under report, and it was to remedy this that the two additional Judges were appointed.

Further details as to disposal of civil appeals are given in the following figures :—

Year.	Chamber Work.			Total.	Number of appeals decided by Benches.
	Number of Appeals.				
	Rejected by a single Judge.	Decided by a single Judge.	Admitted to a Bench.		
1885	519	...	919	1,438	1,422
1886	1,375	...	1,305	2,680	677
1887	965	109	1,310	2,384	591

The figures in the third column of the above statement are explained by the issue of Rules made by the Judges, regulating the exercise of the civil jurisdiction of the Court. The amount of work under this head disposed of by the Court during the year was much the same as in 1886.

Average duration and pending files.

52. The average duration of civil appeals was 224 days. This is higher than in 1886, but lower than in 1885. The pending file has largely increased as will be seen by the following table :—

Years.	Number of Appeals pending.			
	In Chamber.	Before Court.	Over three months.	More than a year.
1885 ...	88	794	695	305
1886 ...	344	1,460	1,433	232
1887 ...	204	2,070	1,911	1,079

Average value and cost of appeals.

The following table gives details regarding the value and cost of appeals decided during the year. The figures do not differ largely from those of 1886. The values of "other suits" have been necessarily calculated from the court fee payable on institution

Value of suit.	*Number of appeals.*		*Aggregate value of appeals.*		*Aggregate cost of appeals.*		*Average value of appeals.*				*Average cost of appeals.*				*Percentage of cost to value.*	
	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.	In other suits.	For money or moveable property.		In other suit.		For money or moveable property.		In other suits.		For money or moveable property.	In other suits.
								A. P.	Rs.	A. P.	Rs.	A. P.	Rs.	A. P.		
Not exceedings Rs. 10	2	111	15	480	12	710	7	8 0	4	3 7	6	0 0	6	6 4	80	151
,, ,, 50	13	311	360	9,186	94	3,029	27	11 2	29	8 7	7	3 8	11	10 8	26	39
,, ,, 100	14	141	1,121	10,827	219	2,443	80	1 2	76	12 6	15	4 8	17	6 2	19	23
,, ,, 500	37	194	10,087	39,655	1,419	6002	298	13 6	204	6 7	38	5 7	30	11 11	13	15
,, ,, 1,000	38	88	25,000	26,515	2,727	3466	717	0 6	697	14 1	77	14 6	91	3 6	11	13
,, ,, 5,000	32	18	67,080	41,082	6,080	5,101	2,032	11 0	2,281	3 7	211	8 3	283	0 2	10	12
,, ,, 10,000	3	8	20,822	60,654	1,937	5,412	6,940	10 8	7,581	0 0	645	10 8	676	8 0	9	9
,, ,, 1,00,000	8	1	2,09,490	16,051	10,471	1,000	26,183	4 0	16,051	0 0	1,308	14 0	1,000	0 0	5	7
Exceeding ,, 1,00,000	..	..	...	...	...	..	...	...	...	...	...	...	...	...	...	...
Appeals of which the value cannot be fixed.	..	367	...	...	.	8853	...	...	...	...	...	...	24	2 0	...	..
Total ...	145	1,189	3,31,647	2,05,029	23,864	36,716	2,307	11 7	249	6 10	164	8 2	30	14 0	7	13

Revision.

54. The number of applications for revision under Section 622 of the Civil Procedure Code has decreased from the high number of 1886, but is higher than that of any other previous year. The following statement gives the details of disposal of such applications for the last two years :—

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	For Disposal			Sent to a Bench		Rejected in Chambers		Dismissed by a Bench		Order of Lower Court				
Year.	Pending from last year.	Instituted during the year.	Total.	Without calling for files.	After calling for files.	Without calling for files.	After calling for files.	In default.	On the merits.	Modified.	Reversed.	Remanded for fresh decision.	Total disposed of	Pending at the end of the year.
1886	221	1,391	1,612	126	58	1,054	142	2	123	2	22	104	1,449	163
1887	163	1,087	1,250	101	66	769	152	3	60	4	14	48	1,050	200

Other Civil business.

55. The details of the other Civil business disposed of by the Chief Court during the last two years are given below :—

Description of Suits.	1886.	1887
Original matrimonial cases	4	1
References under Section 17, Act IV of 1869	2	3
Uncontested applications for probate and letters of administration	6	11
References under Section 617, Civil Procedure Code ...	7	12
Applications for review, for permission to appeal as a pauper, to stay execution of decrees and other miscellaneous applications	570	617
Total	585	644

Thus there has been a considerable increase in this branch of the Court's work.

56. It is evident from the figures in this part of the report that the work thrown upon the Chief Court for disposal is at present too heavy for the permanent strength of the Court, *i. e.*, four Judges. In connection with this subject, the Judges have recently expressed their views to Government, notably on the question of altering the present law of appeal.

Statement No. 9 at the end of this report shows the time taken up by each Judge in the disposal of work.

PART V.—GENERAL.

Service of processes Receipts and expenditure

57. The annexed statement shows for District Courts the process-serving establishment, the number of processes issued, with the receipts and expenditure for 1886 and 1887.

Year	*Establishment.*				*Number of processes issued.*			Value of stamps for the service of processes filed during the year	Total expenditure
	Nazirs.	Naib-Nazirs.	European process-servers	Peons	Civil.	Criminal.	Revenue		
								Rs	Rs.
1886	31	191	13	2,108	1,259,022	117,468	79,400	3,39,892	1,87,551
1887	31	195	13	2,113	1,333,598	127,749	104,348	3,58,669	1,90,940

The increase in the number of civil processes corresponds with the increase in civil litigation. The receipts nearly equalled those for 1885. In Divisional Courts Rs. 9,275 was realized from process fees, as against Rs. 10,653 in the previous year, while Rs. 3,526 was expended on establishments and postage. In the Chief Court Rs. 3,897 was realized, of which Rs. 110 was expended on postage. The net profit to Government from the service of processes was Rs. 1,77, 265 as against Rs. 1,62,557 in the preceding year.

Fees for inspection of records

58. The income for the last two years in Divisional and District Courts from fees for the inspection of records, and expenditure under the same head were as follows :—

		Income derived from inspection fees	Expenditure on Establishment, &c, &c.	Balance credited to the Record Office Fund
		Rs	Rs	Rs
Divisional Courts ..	1886 ...	7,516	4,507	3,009
	1887 ...	5,686	4,052	1,634
	Difference ...	—1,830	—455	—1,375
District Courts ...	1886 ..	13,270	5,497	7,773
	1887 ...	13,031	6,156	6,875
	Difference ...	—239	+659	—898

Inspection of Subordinate Courts

59. Inspections of Subordinate Courts by District and Divisional Judges are made during the year, and it appears from the reports of inspections submitted that nearly every outlying Court in the Province was thoroughly inspected at least once in the year.

I have &c.

R. L. HARRIS,

Registrar Chief Court.

APPENDIX TO THE CIVIL REPORT.

1888.

STATEMENTS Nos. 1.—9.

STATEMENT No. 1.

STATEMENT SHOWING THE NUMBER OF JUDICIAL DIVISIONS AND THE NUMBER OF OFFICERS EXERCISING JURISDICTION IN CIVIL CASES IN THE PUNJAB, ON THE LAST DAY OF THE YEAR 1887.

1	2	3	4	5	6	7	8	9	10	11	12
Class of Court.	Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of Districts	Number of Districts.	Number of Sub-districts.	*Number of officers.*		Total Number of Cases decided.			
								Original.		*Appeal.*	
						European.	Native.	Regular.	Miscellaneous.	Regular.	Miscellaneous.
Honorary Courts	107,010 square miles.	18,842,264	14	31	124	1	55	10,679	1,108	...	...
Paid Sub-Divisional Courts... Tahsil						...	124	18,135	1,872	...	...
Paid Sub-Divisional Courts... Munsifs						...	84	178,543	24,986	...	...
Small Cause Courts...						11	2	24,799	1,465	...	...
District Courts other than Chief Courts of Districts						31	71	25,646	6,380	4,304	254
Chief Courts of Districts						29	2	3,110	4,078	4,294	344
Total ...						72	338	260,912	39,889	8,598	598
Divisional Courts						14	...	5	2,031	8,884	528
Chief Court						6	...	4	11	1,361	304
Grand Total ...						92	338	260,921	41,931	18,843	1,430

STATEMENT No. 2.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1887.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	Suits for Money or Moveable Property.													Other suits							
	Contract in writing.													Suits for possession or recovery of immoveable property founded on							
Class of Court	Registered.	Unregistered.	Contract not in writing.	On account stated.	Money lent and received.	Goods sold.	Wages, work and materials.	Rent, other than of land.	Moveable property or value thereof	Damages.	Other suits for money or moveables not already mentioned.	Total.	Rent suits and suits under the Punjab Tenancy Act referred to the Civil Courts under Section 34, Punjab Courts Act	Contract.	Inheritance.	Gift.	Right of pre-emption	River action.	Other cause	Suits to recover possession of immoveable property under Section 9 of the Specific Relief Act.	Suits to compel specific performance of contract.
Honorary Courts ...	83	2,359	2,039	2,577	71	183	155	73	877	149	242	8,808	...	234	370	6	60		304	39	7
Paid Sub-Divisional Courts ... Tahsil ..	137	3,279	3,192	3,772	23	141	268	250	1,971	269	304	13,606	...	534	747	9	277	1	1,324	128	65
Paid Sub-Divisional Courts ... Munsifs ...	1,316	67,697	31,717	34,939	379	2,421	1,333	1,473	11,464	1,558	794	155,091	.	4,134	1,970	19	1,144	9	4,166	119	45
Small Cause Courts	156	7,679	4,284	4,390	75	3,679	1,289	1,358	1,141	58	141	24,250	...	.	.	...	.	..	..	..	...
District Courts other than Chief Courts of Districts ..	764	4,415	1,729	3,205	19	80	206	108	952	191	154	11.824	.	2,117	2.005	67	974	20	2,602	84	86
Chief Courts of Districts	226	263	89	306		5	14	13	49	21	38	1.024	...	207	340	28	185	8	256	29	10
Total .	2,682	85,692	43,050	49,189	567	6,509	3,265	3,275	16,454	2,246	1,673	214,602	..	7,226	5,432	129	2,640	38	8,652	399	213
Divisional Courts .	.	.	.								.	.			...	..	..		..	...	...
Chief Court . .			..				.			.	.	.			..		.		.	...	...
Grand Total	2,682	85,692	43 050	49,189	567	6,509	3,265	3,275	16,454	2,246	1,673	214,602	..	7,226	5,432	129	2,640	38	8,652	399	213

STATEMENT No. 2.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF CIVIL ORIGINAL CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1887.—*concluded.*

Class of Court.	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44
	Other Suits.							*Suits relating to betrothals, marriage, divorce and dower.*														
	Suits for declaratory decrees under Chapter VI of the Specific Relief Act.	Other suits under the Specific Relief Act not expressly provided for.	Suits to declare or establish rights to real property, including pre-emption.	Suits to declare or establish personal rights.	Suits for an account other than an account for rent.	Suits relating to religious endowments.	Suits to set aside judgment, contracts, or obligations on the ground of fraud.	Suits connected with betrothals.	Suits for enforcement of matrimonial rights.	Suits for dissolution of marriage.	Suits connected with dower.	Suits for or relating to partition.	Suits relating to shipping.	Suits relating to religion and caste	Administration suits.	Inter-pleader suits.	Suits for dissolution of partnership.	Contested suits under Act X of 1865 and V of 1881	Any suits not included in the foregoing columns.	Total.	Grand Total.	Total numbers of suits shown in columns 2 to 7, which were brought by bankers or shopkeepers against agriculturists.
Honorary Courts	13	16	21	23	1	..	11	106	25	1	18	26	..	4	...	.	.	...	1	1,286	10,094	4,33
Paid Sub-Divisional Courts { Tahsil ..	4	24	45	32	3	3	38	72	7	1	56	30	.	6	...	.	.	..	2	3,415	17,021	5,08
Paid Sub-Divisional Courts { Munsifs ...	179	10	476	124	9	1	50	1,293	60	1	1,556	85	...	9	..	.	1	..	57	15,517	170,608	85,53
Small Cause Courts	...	..	..	..	..	...	...	.	.	1	..	..	..	.	.		..	..		..	24,250	1,52
District Courts other than Chief Courts of Districts ...	306	69	564	317	19	5	191	249	1,421	44	137	48	..	.	2	1	14	..	79	11,421	23,244	5,49
Chief Courts of Districts . .	134	10	198	47	7	2	43	31	239	6	11	86	...	...	5	7	29	2	56	1,926	2,950	203
Total ...	636	129	1,304	543	39	11	333	1,751	1,752	53	1,778	225	..	19	7	8	44	2	202	33,565	248.167	102,17
Divisional Courts	...	.	.	...	..	...	..	...	.	2	..	...	..		..	..	..	.	5	7	7	...
Chief Court	..	.	.	...	.	...	..	.	...	3	..	...	...	.	..		..	.		3	3	..
Grand Total ..	636	129	1,304	543	39	11	333	1,751	1,752	58	1,778	225	...	19	7	8	44	2	207	33,575	2,48,177	102,17

STATEMENT No. 2.

PART II.

STATEMENT SHOWING THE NUMBER AND DESCRIPTION OF MISCELLANEOUS CASES INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1887

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
	Under the Code of Civil Procedure.											Other miscellaneous Cases.										
Class of Court.	Plaints rejected or returned without registration.	Applications for the withdrawal or transfer of a suit or appeal.	Applications under Sections 99, 103, 108, 558 and 560, for the restoration to the file of a suit, appeal or application for execution dismissed on default or decreed *ex-parte*.	Claims to, and objections to the attachment of attached property under Sections 278 and 487.	Complaints under Sections 328, 332, 334 and 335, except when, in case of obstruction by a claimant in good faith, the case is under Section 331 to be registered as a suit.	Enquiries under Section 258, on the application of the judgment-debtor as to payment to the decree-holder.	Applications under Section 401 for permission to sue as a pauper.	Application under Section 502 for permission to appeal as a pauper.	Applications under Section 623 for review of judgment.	Proceedings under Sections 174 and 643.	Total.	Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806.	Applications for certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, and for the revocation of such certificates.	Applications regarding the care of lunatics' estates, and the guardianship of their persons, under Act XXXV of 1858.	Applications for certificates under Act XXVII of 1860.	*Uncontested* applications for probates and letters of administration under Acts X of 1865 and V of 1881, and applications for the revocation of such probates and letters	Other cases connected with the custody and disposal of intestate property	Cases under Section 14 of the Legal Practitioners' Act, 1879.	Applications for certificates under Section 40 (c) of the Punjab Courts Act	Cases under the Land Acquisition Act, 1870.	Miscellaneous cases not provided for in the forogoing columns.	Total.
Honorary Courts	86	55	547	317	6	2	16	...	66	6	1,101	...	..	..	...	..	...	...	...	...	11	11
Paid Sub-Divisional Courts { Tahsil ...	346	11	856	520	2	...	8	1	82	...	1,826	...	...	...	...	...	...	...	...	...	7	7
Paid Sub-Divisional Courts { Munsifs ...	8,278	22	10,106	9 515	107	328	526	20	766	104	24,772	...	...	...	...	...	...	...	...	...	81	81
Small Cause Courts	141	3	719	262	51	7	23	24	224	13	1,467	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts ...	1,694	12	1,588	1,780	34	42	462	26	420	17	6,075	7	78	...	69	...	...	...	...	...	65	219
Chief Courts of Districts	398	151	242	216	1	5	170	5	191	2	1,381	1,636	490	6	512	56	5	..	..	..	90	2,795
Total ..	5,943	254	14,058	12,610	201	384	1,205	76	1749	142	36,622	1,643	568	6	581	56	5	...	...	...	254	3,113
Divisional Courts	418		124	...	.	. .	..	81	101	. .	724	...	...	..	...	..	...	...	1275	23	...	1,299
Chief Court	...	..	..	..	..	...	...	...	...	...	...	...	...	...	...	13	...	...	...	...	...	13
GRAND TOTAL .	6,361	254	14,182	12,610	201	384	1,205	157	1850	142	37,346	1,643	568	6	581	69	5	...	1275	23	254	4,42

STATEMENT No. 3.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1887.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	NUMBER OF SUITS INSTITUTED.																							
	Not exceeding Rs. 10.				*Not exceeding Rs. 50.*				*Not exceeding Rs. 100.*				*Not exceeding Rs. 500.*				*Not exceeding Rs. 1,000.*				*Not Exceeding Rs. 5,000.*			
CLASS OF COURT.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
Honorary Courts	2,741	205	63	25	4,492	231	160	47	1,150	124	51	26	416	105	35	51	9	41	2	20	...	...	...	5
Paid Sub-Divisional Courts { Tahsil ...	4,622	1,031	349	67	7,150	765	482	103	1,820	271	214	67	14	9	4	4	...	...	...	...	...	...	...	...
Paid Sub-Divisional Courts { Munsifs...	38,063	1,743	973	275	72,785	2,700	2,089	1,404	26,144	1,357	1,026	693	18,027	1,241	681	573	72	39	10	11	...	...	...	...
Small Cause Courts	7,929	...	...	...	11,007	...	...	...	2,922	...	...	...	2,293	...	...	...	99	...	...	...	...	...	...	...
District Courts other than Chief Courts of Districts	1,819	1,204	283	44	4,104	2,085	658	139	2,116	1,164	399	136	2,474	1,155	549	241	1,114	371	166	108	198	116	19	9
Chief Courts of Districts ...	22	27	...	...	42	142	2	3	25	147	13	9	115	327	47	37	287	97	43	22	455	224	68	18
Total ...	55,196	4,210	1,668	411	99,570	5,923	3,391	1,696	34,177	3,063	1,703	931	23,339	2,837	1,316	906	1,581	539	221	161	653	340	82	32
Divisional Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	55,1	4,210	1,668	411	99,570	5,923	3,391	1,696	34,177	3,063	1,703	931	23,339	2,837	1,316	906	1,581	539	221	161	653	340	82	32

STATEMENT No. 3.

STATEMENT SHOWING THE VALUE OF SUITS INSTITUTED IN THE CIVIL COURTS OF THE PUNJAB DURING THE YEAR 1887.—*concluded.*

Class of Court.	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
	NUMBER OF SUITS INSTITUTED.																						
	Not exceeding Rs. 10,000.				*Not exceeding Rs.* 1,00,000				*Exceeding Rs.* 1,00 000.				*Suit of which the value cannot be fixed.*			Total.				*Total value of suits.*			
	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable property.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.	For money or moveable poperty.	For land assessed or subject to assessment.	For other immoveable property.	Other suits.
																				Rs.	Rs.	Rs.	Rs.
Honorary Courts	...	...	...	...	...	...	...	...	...	...	...	...	30	16	49	8,808	736	327	223	2,81,621	2.79.832	48,572	26,486
Paid Sub-Divisional Courts { Tahsil ...	...	...	...	...	...	...	...	...	...	...	...	...	4	42	3	13,606	2,080	1,091	244	4,20,196	46,874	29,904	9,268
Paid Sub-Divisional Courts { Munsifs ...	...	...	...	...	...	...	...	...	...	...	...	...	298	231	182	155,091	7,369	5,010	3.138	72.21,059	4,40,975	3,16,437	2,05,538
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	24,250	...	...	...	10,22,226	...	...	...
District Courts other than Chief Courts of Districts	7	11	3	...	1	...	4	...	...	...	..	..	647	319	1,591	11,823	6,753	2,400	2,268	18.31,492	10,89,930	4,17,277	1,51,377
Chief Courts of Districts	52	16	9	5	23	6	2	3	3	1	...	1	270	61	331	1,024	1,257	240	429	23.57,985	11,80,804	3,06,264	11,07,006
Total ...	59	27	12	5	24	6	6	3	3	1	...	1	1,249	669	2,156	214,602	18,195	9,068	6,302	1,31.34,579	30,37,915	11,18,454	14,99,675
Divisional Courts	...	...	...	...	...	...	...	...	...	...	..	..	..	...	7	...	.	..	7	...	...	...	...
Chief Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	..	.	3	...	..	...	...
Grand Total ...	59	27	12	5	24	6	6	3	3	1	...	1	1,249	669	2,166	2,14,602	18,195	9,068	6,312	1,31,34,579	30,37,915	11,18,454	14,99,675

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB IN THE YEAR 1887.

PART I.—CIVIL SUITS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURT.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	*Average duration of suits.*		Average number of days the parties or either or any of them had to attend Court.
		Transferred.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
Honorary Courts	11,307	3	2,076	2,104	2,103	1,135	164	107	22	2,126	839	628	19	29	29	3
Paid Sub-Divisional Courts ... Tahsil	18,904	1	3,541	3,907	3,005	1,544	211	290	59	3 920	1,657	769	16	29	27	3
Paid Sub-Divisional Courts ... Munsfs	189,946	...	35,836	37,308	33,233	20,781	2,404	771	152	35,641	12,417	11,403	386	32	31	2
Small Cause Courts	26,222	...	3,519	4,326	4,576	4,857	227	138	52	5,470	1,634	1,423	173	21	17	2
District Courts other than Chief Courts of Districts	28,166	2	5,369	3,015	2,851	2,001	449	322	71	7,309	4,257	2,520	283	50	31	3
Chief Courts of Districts	3,683	3	352	350	200	205	31	60	10	1,191	708	573	83	66	48	3
Total	278,228	9	50,693	51,010	45,968	30,523	3,486	1,688	366	55,657	21,512	17,316	960	34	30	3
Divisional Courts	9	...	...	...	...	1	...	...	...	4	...	4	2	108	114	3
Chief Court	7	...	...	...	...	...	...	...	...	4	...	3	2	253	...	3
GRAND TOTAL	278,244	9	50,693	51,010	45,968	30,524	3,486	1,688	366	55,665	21,512	17,323	964	34	30	3

STATEMENT No. 4.

STATEMENT SHOWING THE GENERAL RESULT OF THE TRIAL OF CIVIL CASES IN THE COURTS OF ORIGINAL JURISDICTION IN THE PUNJAB DURING THE YEAR 1887.

PART II.—MISCELLANEOUS CASES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
CLASS OF COURT.	Total number of cases before the Court.	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases contested and uncontested.	Average number of days the parties or either or any of them had to attend Court.
		Transferred.	Without trial.	*Without contest.* Compromised.	*Without contest.* Decreed on confession.	*Without contest.* Degreed *ex-parte*.	*Without contest.* Dismissed *ex-parte*.	*On reference to arbitration.* For plaintiff.	*On reference to arbitration.* For defendant.	*With contest.* Judgment for plaintiff in whole or in part.	*With contest.* Judgment for defendant.				
Honorary Courts...	1,182	...	250	116	76	49	22	2	...	421	172	74	2	12	2
Paid Sub-Divisional Courts... Tahsil	1,922	6	642	100	68	17	28	3	...	699	309	50	...	16	2
Paid Sub-Divisional Courts... Munsifs	26,862	...	6,719	1,499	1,260	768	202	10	2	9,539	4,987	1,876	18	15	2
Small Cause Courts	1,523	...	365	122	42	57	10	...	...	455	414	58	1	12	2
District Courts other than Chief Courts of Districts	6,695	...	2,602	236	152	106	73	2	2	2,009	1,198	315	14	17	2
Chief Courts of Districts	4,411	1	909	71	15	237	28	...	...	2,206	611	333	8	22	2
Total	42,595	7	11,487	2,144	1,613	1,234	363	17	4	15,329	7,691	2,706	43	16	2
Divisional Courts	2,072	1	1,347	9	1	65	132	...	...	138	338	41	6	7	1
Chief Court	14	...	...	...	...	11	...	...	...	...	...	3	2	33	1
GRAND TOTAL	44,681	8	12,834	2,153	1,614	1,310	495	17	4	15,467	8,029	2,750	51	16	2

STATEMENT No. 5.

STATEMENT SHOWING THE BUSINESS OF THE CIVIL APPELLATE COURTS IN THE PUNJAB, DURING THE YEAR 1887.

PART I.—APPEALS FROM DECREES.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
CLASS OF COURT.	Total number of appeals before the Courts.	Transferred to other Districts.	Decisions confirmed, Section 551, Civil Procedure Code.	Dismissed for default or otherwise not prosecuted	Head *ex-parte*.				Contested				Pending.	Number pending more than three months.	Average duration of appeals.	Objections under Section 561, Act X of 1877.	Objections allowed.
					Confirmed.	Modified.	Reversed	Remanded.	Confirmed.	Modified.	Reversed.	Remanded					
Appellate Courts other than Chief Courts of Districts	31	.	7	1	...	...	1	...	7	1	8	4	2	...	36	...	...
Chief Appellate Courts of Districts	9,178	25	1,781	355	112	37	44	35	3,014	933	1,400	833	609	10	27	26	12
Total ...	9,209	25	1,788	356	112	37	45	35	3,021	934	1,408	837	611	10	27	26	12
Divisional Courts — Appeals from original decrees...	13,192	49	1,041	383	542	22	83	34	3,627	446	1,967	684	4,314	2,349	139	165	80
Divisional Courts — Appeals from appellate decrees	7	...	...	...	...	..	..	..	1	..	5	...	1				
Chief Court — Appeals from original decrees...	247	7	15	3	...	...	...	..	15	11	7	8	181	161	431	1	...
Chief Court — Appeals from appellate decrees	3,278	2	812	21	6	1	1	...	198	63	129	62	1,983	1,671	228	10	4
GRAND TOTAL ...	25,933	83	3,656	763	660	60	129	69	6,862	1,454	3,516	1,591	7,090	4,191	95	202	96

PART II.—MISCELLANEOUS.

Appellate Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Appellate Courts of Districts	640	6	89	41	31	2	1	6	152	12	122	136	42	1	25	...	...
Total ...	640	6	89	41	31	2	1	6	152	12	122	136	42	1	25	...	...
Divisional Courts — Appeals from original orders	717	19	71	22	44	1	4	10	189	11	98	59	189	73	83	8	5
Divisional Courts — Appeals from appellate orders	...	...	..	...	...	...	...	...	...	..	..						
Chief Court — Appeals from original orders	177	3	57	8	3	...	3	1	16	1	16	20	49	34	162	...	...
Chief Court — Appeals from appellate orders	237	...	71	5	...	...	1	...	24	2	24	49	61	45	161	...	...
GRAND TOTAL ...	1,771	28	288	76	78	3	9	17	381	26	260	264	341	153	75	8	5

STATEMENT No. 6

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB, IN THE YEAR 1887.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Class of Court.	Total number of applications to execute decrees for disposal.	Applications disposed of.						Pending at the close of the year.	Pending over three months.	Pending over six months.	Value of money decrees in execution.	Realization in decrees for Money.			
		By transfer under Section 223.	*Satisfaction obtained in full.*		*Satisfaction obtained in part.*		Wholly infructuous.					*Amount realized.*			
			Through the Court.	Under Section 258.	Through the Court.	Under Section 258.						Without issue of coercive process.	After issue but without execution of process.	With the issue of process.	Total realized.
											Rs.	Rs	Rs.	Rs.	Rs.
Honorary Courts ..	5,221	16	1,742	67	970	44	1,892	490	48	36	2,26,024	4,679	13,924	54,042	72,645
Paid Sub-Divisional Courts { Tahsil ...	11,102	7	4,007	70	2,112	19	4,037	850	39	23	4,05,774	11,095	23,425	1,01,287	1,35,807
Paid Sub-Divisional Courts { Munsifs ...	144,607	771	34,065	471	28,328	268	64,686	16,018	1,421	777	62,94,016	1,44,795	4,38,689	14,55,664	20,39,148
Small Cause Courts	17,488	698	3,429	1,235	3,845	1,353	5,761	1,167	176	150	6,53,836	76,471	26,535	1,36,006	2,39,012
District Courts other than Chief Courts of Districts	22,380	102	5,822	223	3,694	191	9,544	2,804	382	376	26,42,884	69,240	1,42,909	4,67,356	6,79,505
Chief Courts of Districts ...	6,690	165	1,883	82	1,054	62	2,448	996	116	118	23,77,853	1,31,689	1,29,501	4,67,845	7,29,035
Total ...	207,48	1,759	50,948	2,148	40,003	1,937	88,368	22,325	2,182	1,480	1,26,00,387	4,37,969	7,74,983	26,82,200	38,95,152

STATEMENT No. 6.

STATEMENT SHOWING THE RESULT OF PROCEEDINGS ON APPLICATIONS FOR THE EXECUTION OF THE DECREES OF THE CIVIL COURTS IN THE PUNJAB, IN THE YEAR 1887.—*concluded.*

	17	18	19	20	21	22	23	24	25	26	27	28	29	30
	Number of Applications													
Class of Court.	On which processes were issued but not executed.	On which the judgment-debtor was arrested but released without imprisonment.	On which the judgment-debtor was imprisoned.	*On which moveable property*		*On which*				*On which possession was given.*		On which specific performance was enforced.	On which partition was affected.	On which execution was otherwise effected.
				Was attached but subsequently released.	Was sold.	Immoveable property was attached but subsequently released.	Hereditary or joint acquired property was sold.	Other immoveable property was sold.	Action was taken under Section 305 or Section 326, Civil Procedure Code.	Of moveable property.	Of immoveable property.			
Honorary Courts	1,749	236	12	1,552	331	178	...	77	4	18	186	11	5	..
Paid Sub-Divisional Courts ... { Tahsil ...	2,186	381	28	3,297	596	276	5	65	15	11	721	2	1	4
Paid Sub-Divisional Courts ... { Munsifs ..	42,137	4,979	723	30,080	6,012	4,718	14	1,396	464	104	3,298	20	27	..
Small Cause Courts	6,423	1,579	124	1,299	508	2	...	1	79	19	...	3	..	30
District Courts other than Chief Courts of Districts	5,081	658	152	2,198	1,538	983	36	429	89	350	2,093	129	29	2
Chief Courts of Districts ...	1,273	125	53	901	258	192	25	88	27	56	893	155	9	...
Total ...	58,849	7,958	1,092	40,327	9,243	6,349	80	2,056	678	558	7,191	320	71	36

STATEMENT NO. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE IN THE PUNJAB DURING THE YEAR 1887

PART 1.—SHOWING THE NUMBER AND RESULT OF APPLICATIONS UNDER SECTION 344, AND THE NUMBER OF INSOLVENTS BEFORE THE COURT.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.								
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF.									NUMBER OF INSOLVENTS BEFORE THE COURT.				DISPOSED OF.				
		Filed during the year.							*Granted.*		*Rejected.*												*Discharged.*		
CLASS OF COURT.	Pending at the close of the previous year.	*By judgment-debtors.*		By decree-holders.	Received by transfer from other districts.	Total.	Transferred to other districts.	Withdrawn or otherwise not prosecuted.	A Receiver being appointed.	A Receiver not being appointed.	Penal proceedings under Section 359 not being taken.	Sentence of imprisonment being passed under Section 359.	Applicant being sent to the Magistrate to be dealt with.	Total.	Pending at the close of the year.	Remaining at the close of the previous year.	Declared to be insolvents during the year.	Received by transfer.	Total.	Transferred.	Died.	Under Section 351.	Under Section 355.	Remaining at the close of the year.
		Under arrest or imprisonment.	Not under arrest or imprisonment.																					
Courts other than District Courts specially empowered under Section 360, Civil Procedure Code	52	17	161		..	230	...	69	36	22	53	..	.	180	50	28	58	..	86	...	...	22	42	22
District Courts . . .	76	42	73	.	1	392	1	127	45	27	123	1	.	324	68	37	77		114	1	1	28	26	56
TOTAL ..	128	59	234	..	1	622	1	196	81	49	176	1	..	504	118	65	135	...	200	1	1	50	68	80

STATEMENT No. 7.

PROCEEDINGS IN INSOLVENCY UNDER CHAPTER XX OF THE CIVIL PROCEDURE CODE, IN THE PUNJAB, DURING THE YEAR 1887.

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING UP.

1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Number of insolvents' estates in the hands of Receivers.				*Amount of creditors' claims dealt with during the year.*					*Amount of insolvents' assets realized and outstanding.*			
CLASS OF COURT.	Pending at the close of the previous year.	Placed in charge of a Receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year.	Unsatisfied and pending at the close of the year.	Admitted.	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realized assets in the hands of receivers at the close of the previous year.	Gross amount realized during the year.	Total amount of disbursements.	Amount remaining in the hands of receivers at the close of the year.
					Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Courts other than District Courts specially empowered under Section 360, Civil Procedure Code	20	36	25	31	2,26,364	1,86,708	74,963	43,809	3,63,419	1,427	57,346	41,908	16,865
District Courts .a	33	45	19	59	2,58,949	3,21,239	1,02,618	40,882	3,40,484	32,883	49,796	43,231	39,448
TOTAL ...	53	81	44	90	4,85,313	5,07,947	1,77,581	84,691	7,03,903	34,310	1,07,142	85,139	56,313

STATEMENT No. 8.

STATEMENT SHOWING THE USE OF ASSESSORS IN THE CIVIL COURTS OF THE PUNJAB IN THE YEAR 1887.

1	2	3	4	5	6
			ASSESSOR'S TRIALS.		
				Number of cases in which Judge differed from	
CLASS OF COURT.	Established or average number of assessors in each case.	Number of cases tried with assessors.	Number of cases in which Judge agreed with assessors.	One assessor.	Both assessors.
Divisional Courts acting under Act X of 1870	2	*13	7	4	1

*One case was dismissed in default.

STATEMENT No. 9.

RETURN SHOWING THE NUMBER OF DAYS THE SENIOR JUDGE AND EACH OF THE JUDGES OF THE CHIEF COURT AT LAHORE SAT IN COURT AND AT CHAMBERS IN THE COURT HOUSE DURING THE CALENDAR YEAR 1887

1	2	3	4	5		6
Name of Judge	Portion of year during which the Judge was as such present on duty	Number of days on which the Judge sat in Court for hearing causes.	Number of days (if any) not included in col. 3 on which the Judge sat in the Court House for the transaction of administrative business	Average length of daily sittings		Remarks
				(a) For hearing causes (column 3).	(b). For transaction of administrative business (column 4).	
Sir Meredyth Plowden ...	From 1st to 27th January, and from 6th February to end of year .	203	13	7 hours	6 hours	There is ordinarily one meeting in each month of the 4 Judges, excluding the Additional Bench of 2 Judges, for the transaction of the more important administrative business The current administrative business is transacted from time to time or daily by 4 Judges, excluding the Additional Bench of 2 Judges The figures in columns 4 and 5 (b) show only the number of meetings of 4 Judges and their estimated average duration The time spent by each Judge on current administrative business cannot be ascertained, nor is it always transacted in the Court House
Mr Justice Burney ...	The whole year ..	210	13	Do.	Do.	
Mr Justice Tremlett ...	From 1st to 29th January, and from 9th November to end of year ...	54	3	Do	Do	
Mr Justice Smyth ...	From 1st January to 16th April . .	69	5		Do	
Mr Justice Powell ..	From 30th January to end of year ...	190	11	7 hours	Do	
Mr Justice Roe ...	From 17th April to 8th November, and from 14th November to end of year	134	7	Do.	Do	
Mr Justice Rattigan ..	From 18th November to end of year ...	30	..	Do.	Do.	

Figures not obtainable the Judge being on Furlough

Extracts from Annual Civil Reports of Divisional and District Judges.

Subject.—Classification of Suits.

DIVISIONAL JUDGE, AMRITSAR.

(Mr. WILKINSON).

In both districts suits connected with money and moveable property have increased. I understand the general tendency to be in the direction of an increase of suits on unregistered bonds, accounts stated, &c., rather than on registered bonds. The greater number in 1887 of suits on registered bonds in the Gurdaspur District is noteworthy. It is usual, I believe, to regard the decrease in the number of suits on registered bonds as a sign that this form of security is in disfavor. Registration returns may show this, but the absence of suits thereon would seem to argue the other way. If persons who have given registered bonds, that is to say, think resistance to them useless, there will be fewer cases based thereon. The increase under this head in Gurdaspur I attribute to the increasing difficulty of recovering money even on a bond registered. The holder is driven into Court by the executants resisting payment out of it.

DIVISIONAL JUDGE, DERAJAT.

(Mr. BECKETT).

Suits for money or moveable property, that is, suits of a nature cognizable by a Court of Small Causes, constituted 89 % as compared with 87 % in the previous year, of the total civil litigation of the Division. Turning to details, suits on registered bonds for money or moveable property show a decrease of 12 in Dera Ismail Khan and Dera Ghazi Khan, while Bannu exhibits an increase of 7 such cases. During the past four years the number of such suits has steadily decreased, for the obvious reason that the registration of these transactions which is optional, while entailing extra expense and trouble, does not confer much advantage to the creditors.

DIVISIONAL JUDGE, DELHI.

(Mr. TRAFFORD).

Subject.—Execution of decrees.

The figures of both years show very slight variations under the various heads in each District and call for no special notice, except the proportion of wholly infructuous decrees, which is inordinately high, though below the Provincial percentage of 47·1. This subject has always received my attention on reviewing the returns, and I overhauled a lot of cases at Gurgaon in company with Mr. Maconachie to find out the cause of this, but I am glad to say that I could find no fault with the procedure of our Courts, and although I can assign no good reason for this increased percentage, yet I can safely say that a large proportion of decrees are satisfied out of Court after the issue of process, and as the adjustments are not certified to the Courts, either by the decree-holders or judgment-debtors, they are necessarily returned as infructuous.

DISTRICT JUDGE, DELHI

(Mr. CLIFFORD).

The small realizations are confined to the Munsif's Court and the Subordinate Courts at the Sadr. The decrees executed by these Courts are principally against agriculturists, and except by the sale of land, which is very seldom sanctioned, it is difficult to realize anything from this class of judgment-debtors.

DIVISIONAL JUDGE, UMBALLA.

(Mr. ROBERTS).

In the Umballa District especially and in other Districts to a lesser extent, a large number of decrees are passed in suits between money-lenders and agriculturists or petty Sikh Jagirdars, which, owing to the poverty of the judgment-debtors, can never be executed, and which the creditors have no hope or intention of ever executing in full. The sale of all the judgment-debtor's property, moveable and immoveable, would only pay off a small portion of the amount due: and applications for the sale of revenue paying land are comparatively rare, (1) because decree-holders know the difficulties which stand in the way of bringing such property to sale, and, (2) because it is their interest not to drive their debtors to extremities but to keep the claims hanging over their heads and realize such small sums as they can, from time to time, by proceeding against their crops and other moveable property. This policy obliges the creditors to make repeated applications for execution in order to keep the decrees alive, even when they see no hope of realizing anything, and such applications are returned year after year as wholly infructuous. But after making full allowance for these cases which I believe to be increasing every year, and others in which it may be presumed that satisfaction is obtained out of Court, it must be admitted that the results of execution proceedings, as exhibited in the returns, are very unsatisfactory, and the failure to realize sums decreed must he attributed in no small measure to the defective procedure of the executing Courts, and the incompetence and dishonesty of the Sheriffs' Establishments. To remedy this I would suggest:—

(i) That the head-quarters of every District in which civil litigation is heavy, an Extra Assistant Commissioner or Munsif should be enabled to devote the whole of his time to execution work. The experiment of making over such work to one officer at the Sadr station was tried a few years ago and failed, but the reason of the failure was that the officer was expected to try an average number of Civil and Criminal cases in addition, and thus the evil arising from giving the precedence in importance to regular trials was aggravated instead of being removed. In Umballa the Courts of Assistant and Extra Assistant Commissioners at head-quarters are always over-burdened, and execution work can only receive the attention it requires by increasing the staff.

(ii) That a sufficient staff of officers be appointed on Rs. 10 a month for making attachments and conducting sales, and that the hope of succeeding to a Naib-Nazirship and Nazirship, be always held out to men of this class as the result of good conduct and approved service. The suggestions of the District Judge of Umballa regarding the appointment of a superior officer for supervising the work of attachment and sale done by subordinates are worthy of attention.

DIVISIONAL JUDGE, AMRITSAR.

(Mr. WILKINSON).

I am more than ever impressed with the necessity of making the decree-holder certify satisfaction more regularly. I feel sure that the bulk (and ever increasing bulk) of cases returned as wholly infructuous are really not so. I see no reason why the proposal in para 24 of the Gurdaspur Report should not be tried, but I think that unless the decree-holder knew that some coercive process were at the back of the written order to attend, he would in the long run please himself about that. I fail to see how it can be expected that decrees should be satisfied, when in fact the money which should go to pay the decree-holder has already found its way into the pocket of the pleader. I make no doubt also that property is very carefully concealed or put into some one else's house when the sheriff's officer is about. Such things are not unknown in more civilized countries, and considering how people in village communities hang together, and how they regard the capitalist, the odds are certainly strongly in favor of the debtor with the whole community at his back, as against the decree-holder, who, though nominally leaning on the strong arm of the law, is really supported only by a solitary unsympathetic and only half-hearted Court peon.

DIVISIONAL JUDGE, PESHAWAR.

(Mr. BENTON).

As a rule and especially in money suits it should not be necessary to call for the file before proceeding to execute. The required information should be obtainable from Civil Register No. I. It should be supplied on the day the application for execution is presented, or, at any rate, on the following day. When the file has to be sent for and delay is involved, and when the decree-holder is found not to be present on the date fixed, the case should not be struck off without fresh notice to him. When execution is applied for by arrest, the decree-holder should there and then be called on to pay in diet money. This demand should not be deferred to a future date, when the debtor may be in attendance under arrest and the decree-holder absent. The peons should not be implicitly trusted when they report that no property was pointed out. It would be as well for the peon to be ordered to bring the decree-holder to Court with him to have this attested whenever possible. The Courts should be careful when the continuity of proceedings has been interrupted, through no fault of the decree-holder, not to dismiss for default without giving him notice.

DISTRICT JUDGE, GURDASPUR.

(Mr. BROWN).

Subject.—Witnesses.

There is no distinction drawn in the civil returns between witnesses dismissed after examination and before being examined. I think there should be, as on the criminal side, as it is otherwise very difficult to check the record of diet money deposited in Court. No uniform custom seems to prevail, as to when witnesses are paid their diet money, *i. e.*, at time of service or when they attend. The provisions of Chief Court Judicial Circular CVIII, Part III, regarding Sheriff's petty account do not seem to be observed, and this will receive attention. I have experienced considerable difficulty in different Districts in dealing with witnesses' diet money under Section 161, Civil Procedure Code. The sum deposited may be considerable (say Rs. 4 or 5) to a poor man, and if eventually the witnesses do not attend, it is a very troublesome matter to recover the items disbursed in different villages, and very generally the attempt leads to counter petitions by the witnesses, that they never got the money. To clear this up, their attendance and evidence is necessary, and several petty cases arise out of one such proceeding. In self-defence, therefore, Courts are apt to pay the witnesses when they appear, and I incline to let them do so.

DIVISIONAL JUDGE, DELHI.

(Mr. TRAFFORD).

Subject.—Any subject connected with the administration of Civil Justice.

There may be defects of justice in two ways in our Courts. Decrees may be wrongly passed in favour of plaintiff, or a plaintiff with a just claim may fail to get justice. The first error is more easily remedied in appeal than the second. It is much easier for an Appellate Court to say it does not think the evidence adduced before the Lower Court sufficient, than it is to say that the Original Court should have believed evidence, which it has disbelieved. I am not at all in favour of summonses for final disposal in country Courts like Gurgaon, where parties may have to come from long distances. In some Courts, parties are still somewhat insufficiently examined. It is of importance they should be, not only that the issue may be rightly framed, but that the antecedent circumstances and consequent probabilities of each case may be brought out. It often happens that what appears a simple claim enough, is only one ramification of a previously protracted litigation, or light may be thrown on the real though not ostensible motive of the claim. The previous conduct and relations of the parties often throw more light on the real merits than the evidence of many witnesses. I think, on the whole, our Courts do genuinely endeavour to do justice to the parties, and that year by year their procedure improves under the fierce light which appellants and their pleaders bring to beat upon them.

DISTRICT JUDGE, AMBALLA.

(Mr. BIRD).

In this District, Lambardars often give much trouble when cattle, grain and other bulky articles are made over to them for safe custody after attachment. If superior officers were appointed for the supervision of the process-servers (as recommended under Subject head No. 7) they should be required to keep up a Register of all cases of attached property made over to custodians. The Nazir or Naib-Nazir would be responsible that this Register was duly kept up, and both would be held responsible that proper arrangements were made with Lambardars. In many cases when there is reason to suspect collusion on the part of Lambardars, a local inquiry should be made by such superior officer who could then recommend a proper person to guard the property. This seems to be a real want since process-servers can hardly be expected to act with the necessary discretion in all cases.

DISTRICT JUDGE, KANGRA.

(Mr. G. W. RIVAZ).

I think it is to be regretted that the fees of petition-writers are not subject to direct control. They often combine to charge fees quite out of proportion to the service rendered.

DISTRICT JUDGE, AMRITSAR.

(DIWAN RAM NATH).

It is worthy of mention that the practice of making over properties in the villages to Supurddars is getting unpopular. The properties have been often kept carelessly, and in some cases have been missed, and in some cases even Supurddars denied receipt of the things. It is partly due to bad faith of the Supurddars, and partly to the carelessness of the peons who do not take proper caution at the time of making over of the property. It is also complained of that in some cases Lumbardars have refused to assist in execution of decrees, as they find it to be no part of their duty to help civil process, and it was therefore, on this account, that obstructions have in several instances taken place.

DISTRICT JUDGE, GURDASPUR.

(MR. BROWN).

I think it would be well if the Chief Court would impress on all Judicial Officers the obligation that lies on the presiding officer in each Court to watch and check the registers of his Court himself. I have never met one yet who did this of his own motion, they one and all think this is the sole duty of the inspecting officer. Consequently errors are undetected for months, perhaps longer. And I doubt if any subordinate Judicial Officer knows or grasps the principles on which Judicial registers are maintained, and abuses therefore run on as to witnesses, accounts, &c., &c., which must be detected if even half an hour a month was given to this subject by the presiding officer himself.

DIVISIONAL JUDGE, FEROZEPORE.

(MR. SMITH).

The present appellate system seems open to objection. It is an anomaly that very petty cases should come in appeal to the Divisional Judge. Immoveable property is not all of equal importance. Agricultural land may well receive the attention of the higher Courts, but not petty disputes about abadi land, trees or houses, these, up to a certain limit, should go before the District Judges, and there should be a limit of value in which there should be no appeal from Munsif's orders. The appeals which the law allows, tend to impoverish the people who litigate through ill-feeling and not for the merits of the case. Pleaders are on the increase. They do, in many cases, more harm than good, and their fees are ruinous. Would it not be possible to fix a certain value, and in suits below that value it might be unlawful for pleaders to appear? They are often appointed in suits of little value, the foundation of which is *zid*.

DISTRICT JUDGE, FEROZEPORE.

(MR. BAILEY.)

Under this head, I would notice the subject of petition-writers, only to say that I think the District authorities should be allowed the power of transferring petition-writers from one place to another in the District. This power would place them under control, and would, I think, result in their being more careful in the writing of petitions of plaint and appeal. Under the present rules they are virtually independent.

DISTRICT JUDGE, MOOLTAN.

(MUHAMMAD HYAT KHAN).

Dishonest and fraudulent execution of deeds of transfer containing false statements of consideration are sometimes brought to the notice of the Civil Courts. In fact these are the only Courts where such instruments are naturally produced, and although the execution of such deeds is made punishable by Section 423 of the Indian Penal Code, there is nothing in the Civil Procedure authorizing them to investigate the matter, and make reference to the Criminal Courts. The only remedy provided by legislature in such cases has hitherto been the institution of criminal proceedings by the aggrieved party, but this is not sufficient. I think it will much improve matters if a reference is also allowed in such cases from Civil Courts to Criminal Courts, and Section 643 of the Civil Procedure Code is so amended as to include, among others, a reference for a charge under Section 423, Indian Penal Code, brought under the notice of a Civil Court.

DIVISIONAL JUDGE, JHELUM.

(MR. BEACHCROFT).

I am very doubtful as to the expediency of giving notices to appellants whose appeals have been dismissed in suits *under* 500 rupees in amount. In a majority of cases, the appellant takes it as a hint that he should make a further appeal to the Chief Court, and does so, at considerable expense to himself and trouble to the Divisional Courts. In the vast majority of cases, there is no question of law or custom involved, or the case is one of so small importance that the certificate is necessarily refused. During the last sixteen months I only remember granting two certificates.